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ABSTRACT

This pamphlet summarizes the labor laws affecting women working in Ohio. Descriptions of the various state laws and a listing of the relevant Federal laws are included. These laws cover wages, hours, and working conditions for women. (BH)

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LABOR LAWS AFFECTING WOMEN*
A Capsule Summary

O H I O

Women are joining the work force in ever-increasing numbers. Today more than 31 million women work. Nearly 2 out of every 5 workers are women, while in 1920, after World War I, women made up only about one-fifth of all workers. The welfare of this expanding woman labor force and the best interests of our Nation require good labor standards.

All of the 50 States, the District of Columbia, and Puerto Rico have some legislation, rules, or regulations relating to the employment of women. The most common types of labor laws affecting women are:

Minimum wage
Overtime pay
Equal pay for equal work
Industrial homework
Equal employment opportunity
Hours, including maximum daily and weekly hours, day of rest, meal and rest periods, and nightwork
Plant facilities
Hazardous and unhealthful employment
Employment before and after childbirth

Every State has legislation in one or more of these fields, but the standards established vary widely from State to State. This summary includes State laws, regulations, and orders affecting employment of women in Ohio.

The Federal Government also has numerous labor laws of general application to men and women workers. The major ones include:

Fair Labor Standards Act
Equal Pay Act of 1963, amendment to FLSA
Walsh-Healey Public Contracts Act
Social Security Act
Labor Management Relations Act
Title VII, Civil Rights Act of 1964
Age Discrimination in Employment Act of 1967

For addresses of offices where you can secure more information about these State and Federal laws, see the last page of this summary.

* As of May 1, 1970

VT012288

OHIO LABOR LAWS AFFECTING WOMEN

(Ohio labor laws cover minimum wage, overtime pay, equal pay, industrial homework, hours of work, plant facilities, and hazardous or unhealthful employment. There are no laws prohibiting sex discrimination in employment, or regulating employment before and after childbirth.)

MINIMUM WAGE

Rate set by: Wage order.

Statutory coverage: Women and minors employed in any industry, trade, or business, or branch thereof. Except: Domestic workers and farm laborers.

Wage board provisions: Authorize the Ohio Director of Industrial Relations, on his own motion or on petition of 50 or more residents, to ascertain whether a substantial number of women or minors in an occupation are receiving oppressive and unreasonable wages. If convinced of need after investigation, the Director appoints a wage board to report on the establishment of fair wage rates in the occupation. Such board is composed of not more than three representatives each of employers and employees in the occupation, and not more than three (one to be chairman) disinterested persons representing the public. Within 60 days of its organization, the board submits a report with its recommendations. If accepted, the report is published by the Director with a notice of public hearing to be held within 30 days, but no sooner than 15 days. Within 10 days after the hearing, if the Director approves the recommendation, he issues a directory order. After the directory order is in effect 3 months or more, and following a public hearing, the order may be made mandatory. When an employer violates a mandatory wage order, an employee or the Director of Industrial Relations may bring suit for back wages, and the employer may be fined.

Current wage orders:

Occupations covered	Order number	Date effective	Highest basic rate
Cleaning and Dyeing Occupations in the Cleaning and Dyeing Trade	4	Jan. 2, 1963 (mandatory)	$0.90 hr.
Food and/or Lodging, Occupations Relating to the Furnishing of	3	Feb. 1, 1965 (mandatory)	$0.75 hr.

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Occupations covered	Order number	Date effective	Highest basic rate
Laundry Industry	1	Oct. 1, 1962 (directory)	$1.00 hr.
Retail Trade Occupations	IRd-107	Sept. 6, 1966 (directory)	$1.25 hr.

OVERTIME PAY

Provisions: While the minimum wage law permits the inclusion of overtime pay in the administrative regulations contained in the wage orders, there are no overtime pay regulations in current orders.

EQUAL PAY

Provision: Prohibits discrimination between sexes in any way in the payment of wages, salaries, or other compensation in any occupation where males and females regularly perform identical work.

Coverage: Employers of 10 or more employees. Except: Domestic service in the home of the employer and labor on a farm.

INDUSTRIAL HOMEWORK

1. Use of any dwelling, building, room, or apartment, in or connected with a tenement, for homework limited to the immediate members of family living therein.

2. Working conditions regulated in any dwelling, building, room, or apartment, which is deemed a shop or factory if persons outside the family work therein.

Shop or factory regulations

a. Workroom must be separate from living quarters, have direct outside entrance, be sufficiently lighted and ventilated, be equipped with toilet facilities conforming to standards established by law (except where there are fewer than 10 employees or less than 3 of either sex), and be subject to inspection by the chief inspector of workshops and factories or a district inspector.

b. Employer must keep records of persons to whom work is given, or contracted for, or from whom goods or tobacco are purchased.

INDUSTRIAL HOMEWORK--Continued

Coverage: Any process of making wearing apparel or goods for wear, use, or adornment; and manufacture of cigars, cigarettes, or tobacco goods when such goods are to be exposed for sale or sold by a manufacturer, wholesaler, jobber, or retailer. Except: The making of garments or other goods for another by personal order, which will be received for wear or use direct from the worker's hands.

EQUAL EMPLOYMENT OPPORTUNITY

Although Ohio does not have a law which prohibits sex discrimination in employment, on September 4, 1969, the Director, Department of Industrial Relations, issued the following statement:

"On August 19, 1969, the United States Equal Employment Opportunity Commission, issued new guidelines on sex discrimination with respect to the employment of females.

"The Commission states, in effect, that State protection laws that limit the employment opportunities for women 'have ceased to be relevant to the expanding role of the female worker in our economy.'

"In the Commission's view, such laws do not take into account the capacities, preferences, and abilities of individual females and, 'tend to discriminate rather than protect.' The Commission concluded that State laws will 'not be considered a defense to an employer with respect to an otherwise established, unlawful practice.'

"In specific previous cases, the Commission has already ruled the Ohio female law pertaining to the lifting of weights, and limiting the hours that may be worked are discriminatory and, not a defense to an unlawful employment practice.

"Accordingly, the Ohio Department of Industrial Relations will not prosecute alleged violations of the Ohio laws that are in conflict with the August 19, 1969, guidelines of the Equal Employment Opportunity Commission, until the Ohio General Assembly has conformed the Ohio law with the Federal statutes and guidelines."

Therefore it would be advisable to check with the Department of Industrial Relations on the application of the following laws.

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HOURS OF WORK

Maximum hours

1. 8 hours a day, 48 hours a week.

Coverage: Females 18 years of age and over employed in any mercantile establishment 1/ or laundry or drycleaning establishment. Except: Females employed in agricultural labor; in domestic service; by a public utility company, any carrier subject to part I of the Interstate Commerce Act, or a communications company, during periods of emergency caused by fire, flood, epidemic, or other public disaster; by an automobile club, during periods of emergency caused by storms or floods; in bona fide executive, professional, supervisory, or administrative positions and earning at least $45 a week (females over 21 years of age); in mercantile establishments or communications companies in cities with less than 5,000 population (females over 21 years of age); in the professions of medicine, registered nursing, pharmacy, law, teaching, or social work; or in professional work in hospitals, such as graduate and student nurses, anesthetists, technicians, graduate and student dietitians, and interns.

Variations:

a. In a mercantile establishment, 10 hours permitted: on 1 day of a calendar week; on the day preceding New Year's Day, Memorial Day, the Fourth of July, Thanksgiving, and Christmas, provided weekly maximum is not exceeded; and on 1 day in 3 weeks during a year, when 50 hours may be worked (1 week to fall in the first half of the calendar year and the others in the second half).

b. In a laundry or drycleaning establishment: 9 hours permitted on 2 days a week, provided weekly maximum is not exceeded; 50 hours a week permitted in the week preceding or during the week including New Year's Day, Good Friday, Memorial Day, the Fourth of July, Labor Day, Thanksgiving, and Christmas.

1/ Mercantile establishment includes wholesalers and retail departments of manufacturers, but does not include restaurants, beauty shops, repair shops, manufacturing or drycleaning establishments, even where operated as part of a department store (Op. Atty. Gen., June 28, 1948).

HOURS OF WORK--Continued

2. 9 hours a day, 48 hours a week.

Coverage: Females 18 years of age and over employed in any factory; office; financial institution; restaurant, hotel, drive-in, or bar; hospital; or other establishment not under coverage of Maximum hours 1. Except: Same as Maximum hours 1.

Variations:

a. In an office, 10 hours permitted on 1 day a week, provided spread of hours is not over 12 and weekly maximum is not exceeded.

b. In a financial institution, 10 hours within a 12-hour period permitted on 1 day of a calendar week. Restriction of workday not applicable when an extraordinary condition exists for purpose of completing reports to any agency of the State or Federal Government, provided weekly maximum is not exceeded.

c. During harvest season, hours restriction not applicable to females over 21 years of age engaged in canning perishable products in canneries or establishments preparing agricultural or horticultural perishable foods.

d. Workday restriction not applicable to females over 21 years of age employed by public transportation companies to operate streetcars, trackless trolleys, or motor coaches; such employees may work same hours and periods permitted by law for male operators, provided 48-hour maximum is not exceeded.

Day of rest

Provision: 6 days in a calendar week.2/

Coverage: Same as Maximum hours 1 and 2.

Meal period

Provision: At least 30 minutes after 5 consecutive hours of work if separate lunchroom is provided.

2/ Employment permitted for 12 consecutive days, if the first 6 days fall in 1 calendar week and the other 6 days in the next calendar week (Op. Atty. Gen., 1951).

HOURS OF WORK--Continued

Coverage: Any factory, workshop, business office, telephone or telegraph office, restaurant, bakery, millinery or dressmaking establishment, and mercantile or other establishment. Except: Canneries or establishments preparing perishable goods for use, during canning season.

Variation: If lunchroom is not provided, female employees entitled to 1-hour meal period.

Nightwork

Provision: Prohibited between 9 p.m. and 6 a.m.

Coverage: Female taxi drivers.

PLANT FACILITIES

Seats

1. Requirement: Suitable seat, with an adjustable back support, for each female employee; use of seat permitted when employee is not engaged in active duties.

Coverage: Same as Meal period.

2. Requirement: Seats for elevator operators, who shall at no time be required to stand longer than 2 consecutive hours in any working day.

Coverage: Passenger elevators.

Lunchrooms

No specific requirement. (See Meal period.)

Definition: A clean and sanitary room, separate and apart from machines, etc., where lunch can be purchased and/or eaten out of the working environment (interpretation of Director, Department of Industrial Relations).

Toilet and dressing rooms

Requirements: Separate toilet and dressing rooms for female employees; toilets in ratio of 1 to every 25 females or less.

Coverage: All female employees.

OHIO LABOR LAWS AFFECTING WOMEN

HAZARDOUS OR UNHEALTHFUL EMPLOYMENT

Weightlifting

Provision: No female shall be required to lift, frequently or repeatedly, weights in excess of 25 pounds.

Coverage: Employees of females in any occupation.

Occupational limitations 3/

Prohibit the employment of any female:

1. As bellhop, bowling alley pinsetter, crossing watchman, express driver, freight- or baggage-elevator operator if elevator and door are not automatically or semiautomatically controlled, gas- or electric-meter reader, metal molder, section hand, worker in blast furnace, smelter, mine, or quarry (except in offices).

2. In any poolroom, shoeshine parlor, barroom,or public drinking place catering to male customers exclusively.

3. In baggage handling, delivery service on motor vehicle of over 1-ton capacity, freight handling, heavy material handling by means of handtruck, or trucking.

3/ Females under 21 years of age prohibited from employment which compels constant standing while on duty; delivering messages; or handling, selling, or delivering intoxicating liquors.

OHIO

OFFICES TO BE CONTACTED FOR
FURTHER INFORMATION

STATE LABOR LAWS	Director Department of 220 Parsons A Columbus, Ohi
FEDERAL LABOR LAWS	
Wages, hours, child labor, equal pay for equal work, and age discrimination	Wage and Hour Contracts D Wage and Labo Administrat U.S. Departme Washington, D
Employment service, work training, and unemployment insurance	Manpower Admi U.S. Departme Washington, D
Social security	Social Secur U.S. Departme Education, Washington, D
Labor-management relations	National Labo Washington,
Discrimination on the basis of sex	Equal Employ Commission Washington,

(The nearest regional office of these Federal
in your telephone book.)

GENERAL INFORMATION ON WOMEN'S EMPLOYMENT	Director Women's Bur Wage and La Administr U.S. Depart Washington,
	Regional Di Women's Bur Wage and La Administr U.S. Depart U.S. Courth Building, 219 South D Chicago, Il